

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Powerlift Door Consultants, Inc.,

Case No. 21-cv-1316 (WMW/ECW)

Plaintiff,

v.

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION**

Lynn D. Shepard, Jr.; Rearden Steel
Manufacturing LLC; Rearden Steel Inc.;
and ABC Corporation,

Defendants.

This matter is before the Court on the August 17, 2022 Report and Recommendation (R&R) of United States Magistrate Judge Elizabeth Cowan Wright. (Dkt. 168.) The R&R recommends denying Defendant Lynn D. Shepard, Jr.'s motion for an extension of time to pay court-ordered attorneys' fees and granting Plaintiff Powerlift Door Consultants, Inc.'s motion for civil contempt. No objections to the R&R have been filed. In the absence of timely objections, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment; *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error.

Based on the R&R, the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The August 17, 2022 Report and Recommendation, (Dkt. 168), is **ADOPTED.**

2. Defendant Lynn D. Shepard, Jr.'s motion for an extension of time to pay, (Dkt. 143), is **DENIED**.

3. Plaintiff Powerlift Door Consultants, Inc.'s motion for civil contempt, (Dkt. 149), is **GRANTED** as follows:

- a. Defendants Lynn D. Shepard, Jr.; Rearden Steel Manufacturing LLC, *doing business as* Powerlift Hydraulic Doors of Florida; and Rearden Steel Inc. (collectively, Defendants), are held in contempt of this Court for failing to obey the Court's April 7, 2022 Order;
- b. If Defendants have not purged their contempt within seven days after the date of this Order, Defendants will incur, jointly and severally, a daily coercive fine of \$100, payable to the Court, until they have purged their contempt by paying Plaintiff \$12,816.25 as required by the Court's April 7, 2022 Order;
- c. If Defendants have not purged their contempt within fourteen days after the date of this Order, Defendants will incur, jointly and severally, a daily coercive fine of \$500, payable to the Court, until they have purged their contempt by proving their full compliance with the Court's April 7, 2022 Order;
- d. Defendants, jointly and severally, shall pay a compensatory financial sanction to Powerlift in the amount of Plaintiff's reasonable attorneys'

fees and costs incurred in seeking compliance with the April 7, 2022 Order;

- e. Within seven days after the date of this Order, Powerlift shall file an affidavit establishing its attorneys' fees and costs incurred in seeking compliance with the April 7, 2022 Order; and
- f. Within seven days after Powerlift files its affidavit, Defendants may file any objections as to the amount of attorneys' fees and costs sought by Powerlift.

Dated: November 8, 2022

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge